

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
MARCUS DIAZ, and	:	VIOLATIONS:
RUBEN BORIA	:	21 U.S.C. § 846 (conspiracy to possess
	:	with intent to distribute cocaine - 1
	:	count)
	:	21 U.S.C. § 841(a)(1) (possession with
	:	intent to distribute cocaine - 1 count)
	:	Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. Beginning on or about early February 2007 and to on or about February 6, 2007, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

MARCUS DIAZ and
RUBEN BORIA

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally possess with intent to distribute 5 kilograms or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

MANNER AND MEANS

It was a part of the conspiracy that:

2. Defendants MARCUS DIAZ and RUBEN BORIA and others known and

unknown to the grand jury, were members of a narcotics distribution enterprise that trafficked in both the wholesale and retail narcotics market in Philadelphia, Pennsylvania.

3. Defendants MARCUS DIAZ and RUBEN BORIA and others transported cocaine from outside of Pennsylvania to Philadelphia, Pennsylvania for distribution.

OVERT ACTS

In furtherance of the conspiracy, and to accomplish its objects, defendants committed the following overt acts, among others, in Philadelphia, in the Eastern District of Pennsylvania and elsewhere:

1. On or about February 5, 2007, defendant MARCUS DIAZ drove a tractor-trailer loaded with approximately 100 kilograms of cocaine from Texas to Philadelphia, Pennsylvania.

2. On or about February 6, 2007, defendant MARCUS DIAZ met defendant RUBEN BORIA and others, who then instructed defendant DIAZ where to drive the tractor-trailer so that the tractor-trailer could be unloaded of the approximately 100 kilograms of cocaine.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 6, 2007, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**MARCUS DIAZ and
RUBEN BORIA**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and substance containing 5 kilograms or more of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A), and Title 18, United States Code, Section 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Sections 846 and 841(a)(1) set forth in this indictment, defendants

MARCUS DIAZ and RUBEN BORIA

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including, but not limited to:

2000 Green Volvo Truck, bearing Texas plate R7TJ89, VIN # 4V4ND1JF1YN233441; and a 1996 GDAN RF Trailer, bearing Texas plate W41243, VIN # 1GRAA9628TW036802.

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses, including, but not limited to, the sum of \$1,500.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

GRAND JURY FOREPERSON

**PATRICK L. MEEHAN
UNITED STATES ATTORNEY**